

Message Text

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CINCUSAFE PRIORITY
CINCUSNAVEUR PRIORITY
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C O N F I D E N T I A L STATE 115177

E.O. 11652:GDS

TAGS: PFOR, MARR, MASS, GR, US

SUBJECT: US-GREEK DCA: SOFA, ARTICLE VII, I

REF: (A) ATHENS 4626, (B) STATE 112038, (C) 4541

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1. WE ARE NOT CONCERNED OVER BEING CHARGED TWICE FOR THE
SAME SERVICE UNDER ARTICLE VII OF SOFA AND AIRFIELD APPEN-
DICES. OUR CONCERN IS THAT ARTICLE VII OF SOFA WILL BE
USED BY GREEKS AS BASIS FOR CHARGES FOR SERVICES OVER AND
ABOVE THOSE PAID FOR THROUGH O AND M CONTRIBUTION UNDER
THE AIRFIELD APPENDICES. IN OTHER WORDS, GREEKS WILL HAVE
TWO BITES AT THE APPLE. THE KEY POINT IS THE LAST SENTENCE

OF PARA 2 REF B: WE VIEW O AND M CONTRIBUTION UNDER APPENDICES AS SOLE OBLIGATION OF USG FOR REIMBURSEMENT OF GENERAL SERVICES INHERENT IN USE OF AIRFIELD. THE ONLY TYPE OF SERVICE CHARGEABLE UNDER ARTICLE VII IS A "SPECIAL" OR "SPECIFIC" SERVICE OVER AND ABOVE THAT NORMALLY PROVIDED AIRCRAFT USING THE AIRFIELD.

2. VIEWED IN THIS LIGHT, ADDITIONAL SENTENCE PROPOSED IN PARA 2 REF A COULD SUPPORT WORST CASE INTERPRETATION OF ARTICLE VII OF SOFA THAT GOG HAS TWO TOTALLY SEPARATE BROAD PROVISIONS IN DCA RELATED AGREEMENTS FOR IMPOSING CHARGES ON U.S. AIRCRAFT. ACCORDINGLY, WE REGRET THAT THE

ADDITIONAL SENTENCE IS NOT REPEAT NOT ACCEPTABLE.

3. U.S. TEAM IS AUTHORIZED TO PROPOSE FOLLOWING FORMULATION OF ARTICLE VII, PARA 1:

QUOTE. 1. VESSELS AND AIRCRAFT OPERATED BY OR EXCLUSIVELY FOR THE UNITED STATES FORCES AND SERVICE VEHICLES OF SUCH FORCES SHALL BE FREE FROM TAXES, DUES, DUTIES AND OTHER CHARGES, PROVIDED THAT SUCH EXEMPTION SHALL NOT EXTEND TO CHARGES FOR MATERIALS AND SPECIAL SERVICES REQUESTED AND RENDERED. UNQUOTE.

4. AS FALLBACKS, YOU MAY ACCEPT, IN THIS ORDER:

A. "SPECIFIC SERVICES REQUESTED AND RENDERED"

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B. "SPECIAL SERVICES RECEIVED"

C. "SPECIFIC SERVICES RECEIVED"

D. "SPECIAL SERVICES RENDERED"

E. "SPECIFIC SERVICES RENDERED"

5. IN PROPOSING THE ABOVE LANGUAGE, GREEKS SHOULD BE ADVISED THAT USG CONSIDERS O AND M CONTRIBUTIONS UNDER DCA APPENDICES AS ITS SOLE FINANCIAL OBLIGATION FOR USE OF AIRFIELDS, AND THAT ONLY EXCEPTIONAL CIRCUMSTANCES INVOLVING SERVICES NOT NORMALLY PROVIDED WOULD JUSTIFY A CHARGE ON BASIS OF ARTICLE VII OF SOFA. CHRISTOPHER

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